

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**LEE MARLIN FIELDING,**

**Defendant.**

**No. 06-CR-30160**

## ORDER

**HERNDON, District Judge:**

Before the Court is a motion to continue trial submitted by Defendant Fielding. (Doc. 60.) The Court finds that the trial should be postponed because Defendant and the Government are involved in ongoing discussions concerning a possible plea agreement. In addition, the Court finds that pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the ends of justice served by the granting of such a continuance outweigh the interests of the public and Defendant Fielding in a speedy trial because failure to grant a continuance would unreasonably interfere with the current plea negotiations, which if successful would serve all parties' interest in a just and efficient outcome. Furthermore, the Court finds pursuant to **18 U.S.C. § 3161(h)(7)** that since no motion to sever has been filed, the trial should be continued for the other co-defendants scheduled for trial that day, January 29, 2007: Jason Moses and Eric Lavergne (collectively referred to herein as "Co-Defendants"). Should these

negotiations fall through, a single trial is favored to preserve the resources of the Court and to promote efficiencies. On the other hand, if negotiations are successful and this Defendant agrees to testify against his co-defendants, they should have notice and be prepared to develop a strategy for that trial tactic. Therefore, the Court **GRANTS** Defendant Fielding's motion to continue (Doc. 60) and continues the trial scheduled for January 29, 2007 for Defendant Fielding and Co-Defendants until April 23, 2007. The time from the date Defendant Fielding's motion was raised, January 12, 2007, until the date on which the trial is rescheduled, April 23, 2007, is excludable time for the purposes of speedy trial.

**IT IS SO ORDERED.**

Signed this 17th day of January, 2007.

/s/ David RHerndon  
**United States District Judge**